



H1 LAW GROUP

ERIC D. HONE

Nevada Bar No. 8499

eric@h1lawgroup.com

JAMIE L. ZIMMERMAN

Nevada Bar No. 11749

jamie@h1lawgroup.com

701 N. Green Valley Parkway, Suite 200

Henderson NV 89074

Phone 702-608-3720

Fax 702-608-3759

Attorneys for Nate Barnes

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

INTERNATIONAL MARKETS LIVE, INC., a
New York corporation dba iMarketlive,

Plaintiff,

v.

BLUE CAPITAL FX, LLC, an Arizona limited
liability case; KEN IBIZUGBE, an individual;
HEATHER LOPEZ, an individual; NATE
BARNES, an individual,

Defendants.

CASE NO. 2:18-cv-01591-APG-PAL

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE HEARING ON
PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING ORDER
[ECF NOS. 7 & 9]**

Plaintiff International Markets Live, Inc. ("IML"), by and through its counsel, Law
Offices of P. Sterling Kerr, and Defendant Nate Barnes ("Mr. Barnes"), by and through his
counsel, H1 Law Group, hereby stipulate as follows:

1. On August 23, 2018, IML initiated this lawsuit with the filing of its complaint
against four defendants: Blue Capital FX, LLC, Ken Ibizugbe, Heather Lopez, and Mr. Barnes
(the "Defendants"). (*See* ECF No. 2.)

2. On August 27, 2018, this Court entered an Order to Show Cause Why Case
Should Not Be Dismissed for Lack of Subject Matter Jurisdiction ("Show Cause Order.") (*See*
ECF No. 5.) By way of the Show Cause Order, the Court directed IML "to show cause in



1 writing why this action should not be dismissed for lack of subject matter jurisdiction” on or
2 before September 14, 2018. (*Id.*)

3 3. On August 31, 2018, IML filed an Emergency Motion for an *Ex Parte* Temporary
4 Restraining Order (“TRO”) and Preliminary Injunction against Defendants. (*See* ECF No. 7.)

5 4. On September 5, 2018, this Court entered an Order that declined to issue a TRO
6 on an *ex parte* basis. (*See* ECF No. 9.)

7 5. Instead, the Court scheduled a TRO hearing for Thursday, September 13, 2018 at
8 9:30 a.m. “provided IML has properly and timely served the documents required in this order.”
9 (*Id.*)

10 6. As to service, the Court’s Order directed IML to “immediately serve on the
11 defendants all of the papers filed in this case” and instructed IML to file a certificate confirming
12 service on Defendants. (*Id.*)

13 7. In scheduling the hearing, the Court contemplated holding a hearing on IML’s
14 request for a TRO “after the passage of sufficient time for both service and the defendants to
15 retain counsel and prepare for the hearing.”

16 8. On or about September 5, 2018, IML completed service on Mr. Barnes. A
17 certificate of service confirming same has not yet been filed.

18 9. The other three defendants have not yet been served.

19 10. As three of the defendants have not yet been served and Mr. Barnes is just now in
20 the process of retaining counsel, the parties stipulate and agree to continue the TRO hearing,
21 currently scheduled for September 13, 2018 (ECF No. 9), to be heard September 27, 2018, at
22 9:30 a.m. in Las Vegas Courtroom C.

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1 11. Additionally, as the outcome of the Show Cause Order (ECF No. 5) may be
2 dispositive, the parties also stipulate to seeking resolution of same on shortened time should the
3 Court's schedule so permit.

4 DATED this 12th day of September 2018.
5 LAW OFFICES OF P. STERLING KERR

DATED this 12th day of September 2018.
H1 LAW GROUP

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7
8 P. Sterling Kerr
9 Nevada Bar No. 3978
10 sterling@sterlingkerrlaw.com
11 George E. Robinson
12 Nevada Bar No. 9667
13 george@sterlingkerrlaw.com
14 2450 St. Rose Parkway, Suite 120
15 Henderson, Nevada 89074
16 Phone (702) 451-2055
17 Fax (702) 451-2077

18 *Attorneys for Plaintiff*

Eric D. Hone
Nevada Bar No. 8499
eric@h1lawgroup.com
Jamie L. Zimmerman
Nevada Bar No. 11749
jamie@h1lawgroup.com
701 N. Green Valley Parkway, Suite 200
Henderson NV 89074
Phone 702-608-3720
Fax 702-608-3759

Attorneys for Defendant Nate Barnes

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IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: September 12, 2018